

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 33472 of 2014 (H)

PETITIONER(S) :

RAJEEVAN P. ,
AGED 43 YEARS, S/O.MAHDAVAN,
PUNATHIIRYAN, SANTHI BHAVAN,
KEEZHARA P.O., KANNAPURAM AMSOM, KANNUR TALUK,
KANNUR DISTRICT - 670 301.

BY ADVS.SRI.V.T.MADHAVANUNNI
SRI.V.A.SATHEESH.

RESPONDENT(S) :

1. THE STATE OF KERALA,
REP. BY THE SECRETARY, AGRICULTURAL DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY AGRICULTURAL OFFICER (CONVENER),
KRISHI BHAVAN, KANNAPURAM, CHERUKUNNU P.O.,
KANNUR DISTRICT - 670 301.
3. VILLAGE OFFICER,
KANNPURAM VILLAGE, P.O.CHERUKUNNU,
KANNUR DISTRICT - 670 301.
4. PRESIDENT,
KANNAPURAM GRAMA PANCHAYATH, P.O.CHERUKUNNU,
KANNUR DISTRICT - 670 301.
5. DISTRICT LEVEL AUTHORIZED COMMITTEE,
REPRESENTED BY ITS CONVENER,
THE PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF JOINT DIRECTOR OF AGRICULTURE,
CIVIL STATION, KANNUR, KANNUR DISTRICT - 670 001.

6. SUB COLLECTOR,
THALASSERY,
THE CHAIRMAN OF DISTRICT LEVEL AUTHORISED COMMITTEE,
THALASSERY P.O., KANNUR DISTRICT - 670 101.
7. DISTRICT COLLECTOR,
KANNUR DISTRICT, CIVIL STATION, KANNUR - 670 001.
8. DIRECTOR OF AGRICULTURE,
AGRICULTURAL DIRECTORATE,
THIRUVANANTHAPURAM - 695 001.

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE JENM DEED NO.396/2011 OF S.R.O
KALLIASSERI EXECUTED BY KONATH VEETIL RAMAN NAMBIAR.

EXHIBIT P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER 25/5/2011 TOGETHER WITH REPORT AND DECISION
THEREON BY RESPONDENT NO.2 TO 5.

EXHIBIT P3: TRUE COPY OF THE PHOTOGRAPH OF THE PROPERTY TAKEN ON
9/12/2014.

EXHIBIT P4: TRUE COPY OF THE PLAN PREPARED BY THE CIVIL
ENGINEERING CONSULTANT DATED 5/10/2012.

EXHIBIT P5: TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT NO.7
DATED 3/3/2014.

EXHIBIT P6: TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT NO.8
DATED 1/11/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.33472 of 2014

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a) That this Hon'ble Court may be pleased to issue a writ of certiorari or writ in the nature of certiorari or such other writ or order, quashing the recommendation made by respondents No.2 to 6 on Exhibit P2.

b) That this Hon'ble Court may be pleased to issue a writ of mandamus or writ in the nature of mandamus or such other writ or direction, directing the respondent No.2 to 6 to consider Ext.P2 application for reclamation afresh with notice to the petitioner.

c) That this Hon'ble Court may be pleased to issue a writ of certiorari or writ in the nature of certiorari or such other writ or order, Exhibit P5 order of respondent No.7.

d) That this Hon'ble Court may be pleased to issue a writ of certiorari or writ in the nature of certiorari or such other writ or order, Exhibit P6 order of respondent No.7.

d) For cost of the petition and compensation.

e) For such other and further writs or orders as the nature and circumstances of the case may require."

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and 5 to 8 as well.

3. During the course of hearing, it is brought to the notice

of this Court from the part of the respondents that Ext.P5 order was passed by the 7th respondent as early as on 03.03.2013, ordering restoration of the concerned property, invoking the power and procedure under Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. It is pointed out that the proceedings are hopelessly barred by limitation and further that, if at all the petitioner was aggrieved in any manner, the petitioner was having effective remedy by way of Revision under Section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

In the above circumstances, interference is declined and the writ petition is dismissed, without prejudice to the rights and liberties of the petitioner to pursue other appropriate remedy, if any, in accordance with law.

**P.R. RAMACHANDRA MENON,
JUDGE**

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